IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRIMINAL MISC.NO.500 M OF 2004

DATE OF DECISION: APRIL 19, 2007

Hardeep Signh and others

.....Petitioners

VERSUS

Iqbal Singh

....Respondent

CORAM:- HON'BLE MR.JUSTICE RANJIT SINGH

1. **Whether Reporters of local papers may be allowed to see the judgement?**
2. **To be referred to the Reporters or not?**
3. **Whether the judgment should be reported in the Digest?**

PRESENT: Mr.S.K.S.Bedi, Advocate,
for the petitioner.

Mr. G. S. Sandhawalia, Advocate,
for the respondent.

*****

RANJIT SINGH, J.

The petitioners are seeking quashing of the complaint in case No.207/1/03 dated 28.7.2003, which is pending before Judicial Magistrate Ist Class, Jalandhar.

Petitioner, Hardeep Singh married Ninie at Mumbai on 14.10.2000. It is stated that all the ceremonies, starting from ring ceremony upto wedding, were performed in Mumbai. The wife, daughter of the complainant, deserted petitioner No.1, Hardeep Singh, after two months of the marriage and started staying with her aunt at Jalandhar, though in between she had stayed for sometime with her husband-petitioner No.1 at Mumbai.

A perusal of the petition would also show that efforts at reconciliation

failed and after about one year of the marriage, the parties agreed to dissolve this marriage by getting divorce by mutual consent. It was also agreed that whatever gifts were presented and goods would be returned by each other. It is, however, disclosed that daughter of the complainant-respondent refused to file a joint petition till she was paid Rs.12 lacs and in this background has filed this complaint containing false allegations, which has led to the summoning of the petitioners.

Notice of motion was issued on 8.1.2004. In between the counsel took time on the ground that the parties have compromised the matter and intended to appear in this regard before the trial Court. However, that did not happen and the petition has been filed on merits. Written statement on behalf of the respondent is filed. Averments made in the petition are denied.

Learned counsel for the petitioner mainly submits that the Court at Jalandhar would not have territorial jurisdiction to entertain and try this complaint as cause of action had arisen at Mumbai. Otherwise, it is not disputed that daughter of respondent-complainant is presently residing at Jalandhar.

Learned counsel appearing for the respondent would say that in all cases of this nature, the courts at place where the girl come to reside with her parents would have territorial jurisdiction to entertain complaints. In this regard, he has referred to ***Dharam Pal Goyal and others Vs. State of Haryana and another***, 2007 (4) P.L.R. 682. Plea of jurisdiction is generally a mixed question of fact and law and can be decided on the basis of material placed before the Court. It is required to be established before the Court trying the

offences, if any cause of action or part of cause of action had arisen under the territorial jurisdiction of that Court. This fact can be decided one way or the other properly on the basis of evidence and material produced before the trial Court. In a very recent decision in the case of ***Vishwa Nath Gupta Vs. State of Uttaranchal,*** JT 2007 (5) SC 48, the Hon'ble Supreme Court has held that the Court at place where a call for ransom was received by the victim of the family would have jurisdiction to try the offence of abduction and murder, even though the abduction and murder took place outside the jurisdiction of said Court. Thus, receipt of threat and call for ransom was considered sufficient as part of cause of action to proceed in a criminal case and it is held that the trial Court erred in saying that it would not have jurisdiction in such a case. It would only reveal during proceedings if any such like part of cause of action has taken place at Jalandhar. In this view of the facts, which have been placed before the Court, it is not possible to say as to whether any cause of action or part of cause of action has arisen at Jalandhar? Prima-facie, the demand for any dowry and harassment or cruelty on that count would be at a place where the parents reside as demand basically is raised before the parents. In this view of the matter, I am not inclined to quash the complaint and the summoning order while exercising jurisdiction under Section 482 Cr.P.C.

The petition shall accordingly stand dismissed.

April 19, 2007 **(RANJIT SINGH)**
khurmi **JUDGE**